

California Local Juvenile Detention Facilities Capacity Need

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Background

One of the most difficult challenges facing California's local juvenile justice system is anticipating space needs in its detention facilities. The costs of errors can be high, considering the financial investment needed to construct and operate new juvenile detention facilities. Underestimating future demands for space leads to crowding, inaccessible facilities, and unacceptable conditions of confinement. Overestimating future demands leads to a waste of public resources and may create excess capacity tempting juvenile justice officials to fill underused facilities with delinquent youth who would not otherwise be confined.

Every county in California is required to build and manage a juvenile justice system that responds effectively to the level of juvenile crime in that county. To build an effective system, local policymakers must receive information about the volume and characteristics of the juvenile offender population in their jurisdiction and the quality and availability of their juvenile justice resources including the system's detention capacity.

Projecting a specific region's juvenile justice population and need for juvenile detention capacity is often incorrectly understood as an effort to "get the right number." This assumes that a projection is inferior if it produces a number that is different from actual need or if a projection becomes irrelevant after a change in policy. It is more appropriate to view any projection as a conditional statement of a future juvenile justice population or juvenile detention capacity need that will hold true only if current assumptions about the factors that generated past populations persist into the future. No single projection exercise should drive policy and budgetary decisions. Every projection should be used in conjunction with policy debates about the types of offenders, controlling the behavior of offenders, and holding offenders accountable for their behavior.

Changes in a county's juvenile detention population are shaped by a variety of components, including the number of bookings, severity of offenses committed, number of juvenile court referrals, the percentage of those referrals that result in adjudication, the number of those cases that are detained during the process or committed at the end of the process, and the length of those detentions. In order to anticipate future demands for space in California's local juvenile detention facilities, counties need to be able to engage in population forecasting on at least a quarterly basis, and there needs to be a way to systemically collect that data in order to enable population forecasting at least annually on a statewide basis. Toward that end, the Board of Corrections (BOC) sought and received funding in 1999 to initiate the Juvenile Detention Profile Survey (JDPS) which collects and reports individual juvenile detention facility population and characteristic data providing a format for a statewide profile of local juvenile detention facilities. Using the data from the JDPS gives policymakers a systematically developed database from which to establish projections of capacity needs of California's local juvenile justice systems.

Summary of Need

Calendar year 2001 JDPS data show that there are 130 juvenile halls and camps statewide with an average daily population of 11,926 and a total capacity in those facilities of 12,068. The highest one-day average population for the same time period was 12,122. This number indicates that at sometime, and in all likelihood on multiple occasions, during that period 54 more minors were being held in custody than there was space designed for their use. This translates into a much larger problem because every minor in custody in those facilities housing the additional 54 minors will be required to use/occupy less space, less programming, less counseling, less medical/mental health services, less educational services, etc., in order to compensate for those additional unplanned persons occupying a fixed space (capacity). However, even these numbers do not tell the whole story. These minors are not distributed equally across all facilities all of the time; much of the time crowding occurs in specific facilities. Twenty-three percent (30) of the facilities were chronically crowded in excess of 100% in 2001. Eighteen percent (2,123) of the minors confined in juvenile halls and camps needed mental health services; 12% (1,390) received psychotropic medication (and these numbers have increased significantly in recent years). The data further show that over 260 minors per month are being released early solely due to the lack of available space; this number does not include the over 3,100 minors who yearly are assigned directly to an alternative confinement such as electronic monitoring (EM) and/or home detention with or without EM, due to a lack of

space. In addition, the data collected through the JDPS do not account for the significant number of beds that are in local juvenile detention facilities that are in a condition of such dilapidation that they require replacement.

BOC biennial inspections over the last four years have found that a variety of factors have combined in some counties to create conditions of confinement that approach the definition of constitutionally inadequate and in violation of the basic human rights of minors. In a few situations the conditions of confinement may be approaching inhumane and unsafe levels for minors and staff, and create public safety concerns. Three main factors driving counties needs for juvenile facility construction, replacement, expansion, and renovation are: 1) county beds have not kept pace with California's population growth and changing secure custody/treatment needs; 2) many existing facilities are of outmoded design which presents safety and security problems as well as insufficient education and program space; and 3) age related structural/mechanical problems are occurring in old existing facilities creating conditions of noncompliance with seismic safety codes and fire, health, and life safety standards.

The percentage of detained juveniles with felony charges has increased dramatically and also impacts bed need. Currently, 64% of the juvenile detainees have felony charges. Over 69% of the total juvenile population (juvenile halls and camps) is post-disposition. These two factors alone both lead to an increased need for secure bed space. Over the last two decades, a transformation has occurred – a trend has emerged due to some courts using juvenile halls as commitment facilities for certain minors deemed to need secure care, as well as education, treatment, and program opportunities that can best be provided locally with the participation of family members. In these cases, juvenile halls are also being used as local training schools in addition to their traditional use for pre-dispositional detention. All indicators portend that this trend will continue. As a result, better transition will occur into the community through tailored aftercare programs.

On the average, juvenile detention facilities were built 30 to 50 years ago; physical plants are dilapidated, worn out, constructed for offenders who were runaways and incorrigible versus today's serious and violent juvenile offender; and cannot safely contain today's juvenile offender nor protect staff who work in these facilities. In 1996-97, 70% of the 10,478 beds comprising the total state rated capacity, or 7,335 beds, were in need of replacement. Only 1,996 or 27% of these beds will be replaced from the construction grants awarded by the BOC through FY 2001-02 (and 3,375 new beds will be added with these funds). Therefore, approximately 5,339 beds are still in need of replacement (and are not included in the 3,375 new beds that will be added to statewide facility capacity). With a maximum state cost cap of \$100,500 per bed (which represents the State's 75% share), facility replacement alone of 5,339 beds could be as high as \$536 million.

State and Federal Construction Grants

Since 1997-98, in recognition of the critical need to improve the state's public safety infrastructure, the Legislature has appropriated over \$452 million (\$280 million in federal funds and \$172 million in State General Funds) in local assistance to be distributed to build, expand, renovate, and improve county juvenile halls and camps. All funds have been awarded by the BOC and will, as stated above, replace 1,996 beds and add new capacity of 3,375 beds.

Each Request for Proposals (RFP) process used by the BOC has been oversubscribed by counties, resulting in an inability to fund many meritorious proposals which remain on the BOC's rank-ordered lists. In addition, Los Angeles County's recent juvenile detention needs assessment report identifies \$248 million in construction and renovation need (\$115 million for juvenile halls and \$133 million for camps). Despite the noted investment of construction and renovation funds to date, there remain significant unmet needs for construction and renovation of county juvenile facilities.